

### **REMARKS**

Claims 39-55 were rejected and remain pending. Claims 39 and 53-55 have been amended herein to recite a 7:20 or 18:7 cis-acting ribozyme as set forth in Figure 3. Applicants' originally filed specification fully supports these amendments. *See, e.g.*, Figure 3 and page 13, lines 20-21. In addition, the specification has been amended herein to replace the substitute Sequence Listing filed October 16, 2008, with the Sequence Listing entered into the record on August 13, 2002. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 39-55.

#### Withdrawn rejections

Applicants acknowledge the withdrawal of rejections under 35 U.S.C. §§ 102(e) and 103(a).

#### Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 39-55 as allegedly lacking support for SEQ ID NO:53 and 54.

Applicants respectfully disagree. To further prosecution, however, claims 39 and 53-55 have been amended herein to remove reference to SEQ ID NO:53 or SEQ ID NO:54. Thus, the presently presented claims do not lack support.

For at least these reasons, Applicants respectfully request withdrawal of the rejection of claims 39-55 under 35 U.S.C. § 112, first paragraph.

#### Objection under 35 U.S.C. § 132

The Examiner objected to the amendment to the specification filed October 16, 2008, as allegedly containing new matter.

Applicants respectfully disagree. To further prosecution, however, claims 39 and 53-55 have been amended herein to remove reference to SEQ ID NO:53 and SEQ ID NO:54. In addition, the specification has been amended herein to replace the substitute Sequence Listing

filed on October 16, 2008, with the Sequence Listing entered into the record on August 13, 2002.  
Thus, the specification does not contain new matter.

In light of the above, Applicants respectfully request withdrawal of the objection under  
35 U.S.C. § 132(a).

### **CONCLUSION**

Applicants assert that claims 39-55 are in condition for allowance, which action is  
respectfully requested. The Examiner is invited to telephone the undersigned attorney if such  
would expedite prosecution. No fee is believed due at this time. Please apply any other charges  
or credits to deposit account 06-1050.

Respectfully submitted,

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